

Kenneth Stohner, Jr.  
State Bar No. 19263700  
Heather M. Forrest  
State Bar No. 24040918  
Jeremy S. Mack  
State Bar No. 24046333  
JACKSON WALKER L.L.P.  
901 Main Street, Suite 6000  
Dallas, Texas 75202  
(214) 953-6000 - Telephone  
(214) 953-5822 - Telecopier

ATTORNEYS FOR COMPASS BANK

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

IN RE:	§	
	§	
Maluhia Eight, LLC,	§	Case No. 10-30986-hdh-11
	§	
	§	
Debtor.	§	

**COMPASS BANK'S NOTICE OF ORAL DEPOSITION DUCES TECUM TO DEBTOR**

TO: Debtor Maluhia Eight, LLC, by and through its attorneys of record: Gerrit M. Pronske, Pronske & Patel, P.C., 2200 Ross Ave., Suite 5350, Dallas, Texas 75201.

PLEASE TAKE NOTICE THAT pursuant to Rules 30 and 34 of the Federal Rules of Civil Procedure and Bankruptcy Rules 7030 and 7034, Compass Bank. ("Compass") will take the oral deposition of the Peter R. Morris, the corporate representative of Maluhia Eight, LLC, ("Witness") commencing at 9:00 o'clock a.m. on the 6th day of May 2010, at the offices of Pronske & Patel, P.C., 2200 Ross Ave., Suite 5350, Dallas, Texas 75201.

The Witness shall testify on behalf of Maluhia Eight, LLC regarding and relating to the following matters:

1. Debtor's Plan and Disclosure Statement.

2. Communications by and between Debtor and any proposed financing lenders.
3. The documents more fully described in Exhibit "A" attached hereto.
4. Debtor's valuation of the Property owned by Debtor.
5. Matters relevant to the factual disputes regarding Motion of Compass Bank for Relief from Automatic Stay and the objection thereto filed by Debtor.

The Witness is requested to bring and produce at the time of deposition the items listed on Exhibit "A" attached hereto. The deposition will continue from day to day until completed and will be taken before an officer authorized to take depositions.

Respectfully submitted,

JACKSON WALKER L.L.P.

By: /s/ Heather M. Forrest

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**CERTIFICATE OF SERVICE**

This is to certify that on this 3<sup>rd</sup> day of May, 2010, a true and correct copy of the foregoing Compass Bank's Notice of Oral Deposition Duces Tecum to Debtor was served via electronic service or First Class United States Mail, postage prepaid, upon the following parties:

Gerrit M. Pronske  
Melanie Goolsby  
Pronske & Patel, P.C.  
2200 Ross Ave., Suite 5350  
Dallas, Texas 75201

U.S. Trustee  
1100 Commerce Street  
Room 976  
Dallas, Texas 75242-1496

Demetra L. Liggins  
Thompson & Knight LLP  
333 Clay Street  
Suite 3300  
Houston, TX 77002

Ira L. Herman  
Demetra L. Liggins  
Thompson & Knight LLP  
900 Third Avenue  
20th Floor  
New York, NY 10022-4728

Paul D. Moak  
Hugh M. Ray, III  
Mckool Smith P.C.  
600 Travis, Suite 7000  
Houston, Texas 77002

Laurie Spindler Huffman  
Linebarger Goggan Blair & Sampson, LLP  
2323 Bryan Street Suite 1600  
Dallas, TX 75201

/s/ Heather M. Forrest

Heather M. Forrest

**Exhibit A**

**DEFINITIONS**

1. “Debtor” means Maluhia Eight, LLC
2. “Property” means the property owned by Maluhia Eight, LLC as reflected in its Schedules.
3. “Document” means the original and each nonidentical copy (whether different from the original because of marginal notes, or other material inserted therein, or attached thereto or otherwise) of any written or graphic matter, however produced or reproduced, whether sent or received or neither, including drafts on both sides thereof, and including but not limited to: papers, books, letters, correspondence, telegrams, cables, telex messages, memoranda, typed or handwritten notes, notations, workpapers, transcripts, minutes, reports, recordings or telephone or other conversations or meetings, maps, charts, plans, specifications, diagrams, photographs, affidavits, statements, summaries, opinions, studies, contracts, agreements, ledgers, journals, financial statements, statistical records, desk calendars, appointment books, diaries, expense account records, sound recordings, computer printouts, data processing input and output, microfilm, all of the records kept by electronic, photographic or mechanical means and items similar to any of the foregoing.
4. “Communication” means any contact or act by which any information or knowledge is transmitted or conveyed between or among two or more persons, including, without limitation, written contact by such means as letters, memoranda, telegrams, telexes, or any other document, and all contact by such means as face-to-face meetings and telephone conversations or otherwise.
5. “Evidence” means tending to show, in any probative manner, the existence and/or nonexistence of any matter.
6. “Relate” means commenting on, referring to, pertinent to, discussing, tending to support, or relating to in anyway.

**DOCUMENTS TO BE PRODUCED**

1. Any and all contracts, letters of interest and/or proposals for the sale by Debtor of any of the Property received from January 1, 2009 through the present date.
2. Any and all marketing, solicitation or sales brochures, files and/or marketing materials used or created by Debtor, or any of its professionals from January 1, 2009 through the present date regarding or relating to the sale of any of the Property.
3. Any appraisals for any of the Property owned by the Debtor.
4. Any and all Documents regarding or related to the Debtor's plan and disclosure statement, including but not limited to drafts of any plans or disclosure statements or proposals used, provided or acquired in connection with the formulation of a plan or disclosure statement.